

<b>UNITED STATES BANKRUPTCY COURT</b> NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION		<b>PROOF OF CLAIM</b>
Name of Debtor: CARMEN ADRIANA DE LA TORRE		Case Number: 08-36278
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): BAYVIEW LOAN SERVICING, LLC		<input type="checkbox"/> Check this box to indicate that this claim amends a previous filed claim.  Court Claim Number:  Filed on:  <input type="checkbox"/> Check this box if you are aware that anyone else has filed proof of claim relating to your claim. Attach copy of the statement giving particulars. <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
Name and address where notices should be sent: BAYVIEW LOAN SERVICING, LLC 4425 PONCE DELEON BLVD. 5TH FLOOR CORAL GABLES, FLORIDA 33146  Telephone number: Name and address where payment should be sent (if different from above): SAME AS ABOVE  Telephone number:		
1. Amount of Claim as of Date Case Filed: \$85,119.66  <input checked="" type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement or charges.		
2. Basis for Claim: MONEY LOANED		5. Amount of the Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.  Specify the priority of the claim. <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).  <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier – 11 U.S.C. §507 (a)(4). <input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. §507 (a)(5). <input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. §507 (a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. §507 (a)(8). <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. §507 (a)( ).
3. Last four digits of any number by which creditor identifies debtor: 1820  3a. Debtor may have scheduled account as: N/A  4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.  Nature of property or right of setoff: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other  Describe: Value of Property: \$84,690.00 Annual Interest Rate:  2623 VIVA DR., MESQUITE, TEXAS 75150  Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$4,944.82 Basis for perfection: Deed of Trust  Amount of Secured Claim: \$85,119.66 Amount Unsecured: \$		Amount entitled to priority: \$
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.  7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See definition of "redacted" on reverse side.)  DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.  If the documents are not available, please explain:		*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.
Date: 2-4-09 BAYVIEW LOAN SERVICING, LLC Alejandro Diaz, As Agent for Bayview Loan Servicing, LLC		FOR COURT USE ONLY

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

## BAYVIEW LOAN SERVICING

Telephone:

Fax:

Loan No.: 291820

Contractual Due date: 9/5/2008

Interest Rate: 11.000%

Bankruptcy Filed 12/01/08

Mortgagor(s) Carmen Adriana De La Torre

Lien Position 1

Case Number: 08-36278

Property Address: 2623 Viva Drive

Chapter: 13

Mesquite, TX 50342

### Proof Of Claim Reinstatement figures

Make sure to include any outstanding Foreclosure/Bankruptcy Fees and Cost						
<b>Unpaid Principal Balance:</b>						<b>\$80,174.84</b>
4	Monthly Payments at:	\$1,044.88	From	09/05/08	To	12/5/2008 \$4,179.52 ****
	Monthly Payments at:		From		To	
	Monthly Payments at:		From		To	
	Monthly Payments at:		From		To	
3	Late Charges at:	\$40.71	From	09/16/08	To	11/16/2008 \$122.13
	Late Charges at:		From		To	
	Late Charges at:		From		To	
	Late Charges at:		From		To	
						<b>\$4,301.65</b>
Deferred Late Charges Balance:						\$81.42
Property Inspection/Securing Fees/BPO Fees:						
Interest Arrearages:						
Current NSF Balance:						
Inspection Fees:						
Escrow Advance:						\$561.75
Bankruptcy & Foreclosure Attorney Fees and Costs:						
Other Cost:						
<b>CREDITS:</b>						
<b>TOTAL REINSTATEMENT:</b>						<b>\$4,944.82</b>
<b>TOTAL UNPAID PRINCIPAL PLUS REINSTATEMENT:</b>						<b>\$85,119.66</b>

PER DIEM \$24.16

Prepared by: Marques Prass

Date 15-Jan-09

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been sent by electronic mail or by First Class U. S. Mail, postage prepaid on the 4<sup>th</sup> day of February, 2009 to:

DEBTOR  
CARMEN ADRIANA DE LA TORRE  
101 SUNBIRD LN.  
SUNNYVALE, TEXAS 75182

DEBTORS ATTORNEY  
AREYA HOLDER  
800 W. AIRPORT FRY., SUITE 540  
IRVING, TEXAS 75062

TRUSTEE  
THOMAS DWAIN POWERS  
125 E. JOHN CARPENTER FRY.  
SUITE 1100  
IRVING, TEXAS 75062

U.S. TRUSTEE  
1100 COMMERCE ST.  
ROOM 976  
DALLAS, TEXAS 75242

/s/ Brendetta A. Scott

Carolyn A. Taylor TBA #08526800/FIN 1290  
Dominique Varner TBA #00791182/FIN 18805  
Brendetta A. Scott TBA #24012219/FIN 24592  
333 Clay, 29<sup>th</sup> Flr  
Houston, Texas 77002  
Telephone (713) 759-0818  
Telecopier (713) 759-6834

ATTORNEY FOR CLAIMANT